

ARTICLE 7

ADMINISTRATION

MESA ZONING ORDINANCE

This page intentionally left blank.

Chapter 66 Planning Agency

Sections:

11-66-1	Purpose
11-66-2	Planning and Zoning Board
11-66-3	Board of Adjustment
11-66-4	Historic Preservation Board
11-66-5	Planning Hearing Officer
11-66-6	Design Review Board
11-66-7	Zoning Administrator
11-66-8	Downtown Development Committee

11-66-1: Purpose

This Chapter identifies the bodies, officials, and administrators with designated responsibilities under various parts and chapters of the [Zoning Ordinance](#). Subsequent chapters of this article provide detailed information regarding various procedures, applications, and permits including zoning, and [General Plan](#) text and map amendments, fees, and enforcement. When carrying out their assigned duties and responsibilities, all bodies, administrators, and officials shall interpret and apply the provisions of this Ordinance as minimum requirements adopted to implement the policies and achieve the objectives of the General Plan and [Zoning Ordinance](#).

11-66-2: Planning and Zoning Board

- A. **Establishment and Organization of the Planning and Zoning Board.** The [Planning & Zoning Board](#) is established by [Section 406 of the Mesa City Charter](#) and [Section 2-1-1 of the Mesa City Code](#). The Board's organization and duties are described in [Title 2 - Boards and Commissions](#), Chapter 1, Planning and Zoning Board, of the [Mesa City Code](#).
- B. **Meetings.**
 - 1. Meetings of the Board shall be open to the public and the minutes of its proceedings, showing the votes of each member and records of its examinations and other official actions shall be kept and filed in the [Planning Division](#) Office as a public record. The Secretary of the Board shall be the [Planning Director](#), or a member of the Planning Division staff as designated by the Planning Director.
 - 2. At least 4 members shall be present to conduct a meeting. No matter shall be considered unless there are at least 4 members present who are eligible and qualified to vote on the matter.

3. The concurring vote of a majority of the Board members present shall be necessary to pass a motion.
4. Elect a chair and vice-chair from among its members, annually.
5. The Chair, or in the Chair's absence the Vice Chair, shall lead the meeting, maintain order, and be the final decision maker for all meeting management questions.

C. **Authority and Duties of the Planning and Zoning Board.** The [Planning & Zoning Board](#) shall:

1. Recommend action to the [City Council](#) on requests for amendments to the [Zoning Map](#) and to the [Zoning Ordinance](#), on requests for [Council Use Permit](#), and amendments to the [General Plan](#), except for those cases referred to the [Planning Hearing Officer](#) or the [Planning Director](#) by this Ordinance.
2. Hear and take action on [Special Use Permits](#) only when requested in conjunction with another request requiring action or recommendation by the Planning and Zoning Board, as authorized by this Sub-section C. Any Planning and Zoning Board approval of a [SUP](#) that requires the associated request to be approved by the City Council shall be conditioned upon Council approval of the associated request. In the event the City Council denies the associated request, the SUP shall also be considered denied.
3. Hear and take action on requests for [Site Plan Reviews](#) and [Site Plan Modifications](#) when not otherwise conditioned for review and approval by [City Council](#), or the request does not involve the need to amend a condition of approval as stated in the adopting ordinance.
4. Consider and decide preliminary plats as part of the platting procedures and requirements described in the [Subdivision Regulations, Title 9, Chapter 6](#), of the [Mesa City Code](#).
5. Hear, make recommendations and/or decide matters relating to a [PC District](#), as specified in [Chapter 11](#) of this Ordinance, and the applicable [Community Plan](#) as adopted by [City Council](#) and including all approved amendments to the Community Plan.
6. Review and make recommendations to the [City Council](#) regarding joint public/private projects in designated redevelopment areas.
7. Hold public hearing and make recommendations to the [City Council](#) on proposed redevelopment plans or amendments to adopted plans.

8. Propose redevelopment actions to the council which are consistent with adopted plans and stated redevelopment goals.
9. Hear and make recommendations on other matters as directed by the [City Council](#).
10. The Board may adopt rules for the conduct of its business.

11-66-3: Board of Adjustment

A. **Establishment and Organization of the Board of Adjustment.** A [Board of Adjustment](#) is hereby established pursuant to [ARS § 9-462.06](#) and [Section 409 of the City Charter](#). The Board shall elect a chair and vice-chair, annually, who shall have power to administer oaths and to take evidence.

B. **Meetings.**

1. Meetings of the Board shall be open to the public and the minutes of its proceedings, showing the votes of each member and records of its examinations and other official actions, shall be kept and filed in the [Planning Division](#) as a public record. The Secretary of the Board shall be the [Zoning Administrator](#), or a member of the Planning Division staff as designated by the [Planning Director](#).
2. No Variance, [Special Use Permit](#), [Substantial Conformance Improvement Permit](#), [Development Incentive Permit](#), or appeal of an interpretation of the [Zoning Ordinance](#) or other provision of the [City Code](#) shall be acted upon until a public hearing has been held.
3. Not less than 4 members of the Board shall be present to conduct a hearing. No matter shall be considered unless there are at least 4 members present who are eligible and qualified to vote on the matter.
4. The concurring vote of 4 members of the Board shall be necessary to reverse any order or decision of the [Zoning Administrator](#) or to decide in favor of the applicant on any matter upon which it is required to pass or to effect any variation from the terms and conditions of this [Zoning Ordinance](#) or of the [City Code](#) within the jurisdiction of the Board as authorized by the [City Council](#).
5. The Chair, or in the Chair's absence the Vice Chair, shall lead the meeting, maintain order, and be the final decision maker for all meeting management questions.

C. **Authority and Duties of the Board of Adjustment.**

1. The [Board of Adjustment](#) shall:

- a. Hear and decide appeals in which it is alleged there is an error in an order, requirement, or decision made by the [Zoning Administrator](#) in the enforcement of the [Zoning Ordinance](#).
 - b. Hear and decide appeals from the action of the [Zoning Administrator](#) in the granting or denying of variances, the issuance of [Special Use Permits](#), [Substantial Conformance Improvement Permits](#) (SCIPs) or [Development Incentive Permits](#) (DIPs), or in the interpretation of the provisions of this Ordinance.
 - c. Hear and decide all matters referred to the Board by the [Zoning Administrator](#).
 - d. Take any and all actions referred to the Board by the [City Council](#), or as specified by [ARS § 9-462.06](#), or [Section 409 of the City Charter](#).
2. The Board shall prescribe in connection with any [Special Use Permit](#), [Development Incentive Permit](#), [Substantial Conformance Improvement Permit](#), interpretation, or variance, such conditions as the Board may deem necessary in order to fully carry out the provisions and intent of this [Zoning Ordinance](#).
 3. The [Board of Adjustment](#) shall not make any changes in the uses permitted in any zoning classification or zoning district, or make any changes in the terms of the [Zoning Ordinance](#); provided that the restriction in this paragraph shall not affect the authority to grant variances.
 4. The [Board of Adjustment](#) may adopt rules for the conduct of its business.

D. Appeals to the Board of Adjustment.

1. Appeals to the Board shall be made in conformance with [ARS § 9-462.06](#).
2. Appeals to the Board may be submitted by an aggrieved person, as defined by [Chapter 87](#), or by officers, department or Board of the City affected by any decision of the [Zoning Administrator](#), when acting as a [Hearing Officer](#), within 30 days by filing with the [Zoning Administrator](#) a written notice of appeal specifying the grounds. No fee is required for this appeal. The [Zoning Administrator](#) shall transmit to the Board all the papers constituting the records upon which the action appealed from was taken.
3. The appeal stays all proceedings in the matter appealed from, unless the [Zoning Administrator](#) certifies to the Board that a stay would cause imminent peril to life or property, consistent with state law.
4. The Board shall fix a reasonable time for the hearing of the appeal and give notice thereof to the parties in interest and the public by publication in a newspaper of

general circulation at least 15 days prior to the public hearing and by posting the property which is the subject of the application, in conformance with [ARS § 9-462.04](#), at least 5 days prior to the hearing. It shall be the responsibility of the applicant to maintain the posting once erected until after the hearing.

- E. **Appeals to Superior Court.** Any person aggrieved by a decision of the [Board of Adjustment](#) or an officer or department of the [City of Mesa](#) affected by a decision of the Board may, at any time within 30 days after the Board has rendered its decision, file a complaint of special action in Superior Court to review the Board's decision in conformance with [ARS § 9-462.06](#). Filing the complaint does not stay proceedings on the decision sought to be reviewed, but the court may, on application, grant a stay, and on final hearing, may affirm or reverse in whole or in part, or modify the decision reviewed.

11-66-4: Historic Preservation Board

- A. **Establishment and Organization of the Historic Preservation Board.** [Historic Preservation Board](#) is established and organized as established in [Title 2 - Boards and Commissions, Chapter 23](#), Historic Preservation Board, in the [Mesa City Code](#). The duties of the Historic Preservation Board shall be in conformance with those established in Title 2 - Boards and Commissions, Chapter 23, Historic Preservation Board of the Mesa City Code.
- B. **Meetings.**
1. Meetings of the Board are open to the public and the minutes of its proceedings are kept and filed in the office of the [Historic Preservation Officer](#) as a public record. The Secretary of the Board is the Historic Preservation Officer or his/her designee.
 2. At least 4 members of the Board shall be present to conduct a meeting. No matter shall be considered unless there are at least 4 members present who are eligible and qualified to vote on the matter and an affirmative vote of a majority of the quorum present and voting shall be required to pass a motion.
 3. The Board shall meet at least 4 times per calendar year.
 4. The Chair, or in the Chair's absence the Vice Chair, shall lead the meeting, maintain order, and be the final decision maker for all meeting management questions.
- C. **Authority and Duties of the Historic Preservation Board.** The [Historic Preservation Board](#) shall have the powers and duties described in [Title 2 - Boards and Commissions, Chapter 23](#), Historic Preservation Board, in the [Mesa City Code](#).

1. Hear and/or make recommendations on other matters as directed by the [City Council](#).
2. The Board may adopt rules for the conduct of its business.

11-66-5: Planning Hearing Officer

- A. **Establishment of the Planning Hearing Officer.** The Planning [Hearing Officer](#) is hereby established in the Mesa [Planning Division](#). The [Planning Hearing Officer](#) shall be appointed by the [City Manager](#) on the basis of training and experience regarding the conduct of hearings, knowledge of the [General Plan](#) and knowledge of the [Zoning Ordinance](#).
- B. **Authority and duties of the Planning Hearing Officer.** The Planning [Hearing Officer](#) shall:
 1. Recommend action to the [City Council](#) on requests for amendments to the [Zoning Map](#), on requests for [Council Use Permit](#), Subdivision Plat Approvals, Applications for Site Plan Review and [Site Plan Modifications](#), when such requests are determined by the [Planning Director](#) as appropriate to be heard by the Planning [Hearing Officer](#) pursuant to the [Planning Hearing Officer](#) guidelines.
 2. Hear and take action on requests for [Site Plan Reviews](#) and [Site Plan Modifications](#) when not otherwise conditioned for review and approval by [City Council](#), or the request does not involve the need to amend a condition of approval as stated in the adopting ordinance.
 3. Consider and decide preliminary plats as part of the platting procedures and requirements described in the [Subdivision Regulations](#), [Title 9, Chapter 6](#), of the [Mesa City Code](#).
 4. Hear, make recommendations and/or decide matters relating to a [PC District](#), as specified in [Chapter 11](#) of this Ordinance, and the applicable [Community Plan](#) as adopted by [City Council](#) and including all approved amendments to the [Community Plan](#).
 5. Hear and make recommendations on other matters as directed by the [City Manager](#) or [City Council](#).

11-66-6: Design Review Board

- A. **Establishment and Organization of the Design Review Board.** The [Design Review Board](#) is established by [Title 2 - Boards and Commissions](#), Design Review Board of the [Mesa City Code](#).

1. ***Qualification of Members:*** The composition of the Board shall include: 2 licensed architects; 2 from other design professions (e.g.: architecture, landscape architecture, engineering, urban planning, interior design or similar design related profession); 1 contractor or developer; and 2 citizens selected at-large from the community.
 2. ***Rules of Conduct:*** The Board shall adopt rules for the conduct of its business. The Board may, in such rules, delegate certain responsibilities and/or tasks to be performed by a subcommittee or subcommittees of the Board.
- B. **Meetings.**
1. Meetings of the Board are open to the public and the minutes of its proceedings are kept and filed in the [Planning Division](#) office as a public record. The Secretary of the Board is the [Planning Director](#) or a member of the Planning Division staff designated by the Planning Director.
 2. At least 4 members of the Board shall be present to conduct a meeting and an affirmative vote of a majority of the quorum present and voting shall be required to pass a motion.
 3. The concurring vote of 4 of the Board members present is necessary to pass a motion to approve an appeal of a decision of the [Planning Director](#).
 4. The Chair, or in the Chair's absence the Vice Chair, shall lead the meeting, maintain order, and be the final decision maker for all meeting management questions.
 5. The Board shall meet as needed.
- C. **Authority and Duties of the Design Review Board.** In addition to the powers and duties established in [Title 2 - Boards and Commissions](#), Design Review Board of the [Mesa City Code](#), the [Design Review Board](#) shall:
1. Hear and decide:
 - a. Appeals of decisions of the [Planning Director](#) or staff as delegated by the [Planning Director](#) regarding the use of alternative materials or methods to satisfy Mesa's aesthetic and design-related development requirements and to ensure that any proposed alternatives are at least equivalent to the City's development requirements or as previously approved by the [City Council](#).
 - b. Requests to utilize architectural forms to screen a parking structure as provided in [Section 11-32-2\(F\)](#), Structured Parking.

- c. Hear and decide requests for building height exceptions, pursuant to [Section 11-30-3](#).
 - d. Hear and decide requests for exterior building illumination, pursuant to [Section 11-30-5\(C\)](#).
2. Review and recommend proposed changes in design and development standards to the [City Council](#), including but not limited to design and development standards that relate to and reinforce the architectural qualities, landscape patterns and design character of sub-areas of the City.
3. Review and make recommendations to the [City Council](#) regarding City staff implementation of design-related standards.
4. Upon request, review and make recommendations to the [Zoning Administrator](#) on requests for exceptions or variances to height limits.
5. Review and advise the [Planning Director](#) regarding development proposals involving the following:
 - a. Buildings 4 or more stories in height.
 - b. Multiple-residence projects that exceed the standard density in excess of 15 dwelling units per acre.
 - c. Mixed-use, commercial and/or industrial projects that have frontage on an arterial or collector street or that are part of an existing or planned development that has frontage on an arterial or collector street.
 - d. Mixed-use, commercial and/or industrial projects that have, or will have, greater than 20,000 square feet of gross floor area.
 - e. Modifications to existing commercial or industrial projects having frontage on an arterial street or that are part of an existing or planned development having frontage on an arterial street that involve:
 - i. A change in the distinguishing traits or primary features of the use of a building or land as evidenced by increased parking requirements, change in occupancy designation, change in outside storage, or other features.
 - ii. The predominant primary architectural features or materials of existing buildings, such as changes to horizontal or vertical elements of exterior walls, building trim, roof shape or composition, detailing, building height or roof line, and parapets. Such review is limited to the specific architectural building features proposed for modification.

- f. Parking garages.
- 6. Hear and make recommendations or decisions on matters as specified in an adopted [Community Plan](#) for a [PC District](#).
- 7. Review and decide Municipal projects of the [City of Mesa](#), including fire stations, libraries, parking lots with over 50 spaces, and any building or facility meeting the above height, size, or location criteria set forth in Item 5 of this sub-section, above. Projects not subject to Board review include streets, walls and fences, well sites, and road widening projects.
- 8. Hear and make recommendations on appeals to the following sections of this Ordinance
 - a. [11-5-5](#): Development Standards in the RM District,
 - b. [11-5-6](#): Supplemental Standards Applicable for All Residential Districts;
 - c. [11-6-4](#): Development Standards in the Commercial and Mixed Use Districts;
 - d. [11-6-5](#): Additional Standards for Districts with –U Character Designator; Standards and Criteria for Commercial Shopping Centers;
 - e. [11-7-3](#): Development Standards for Employment Districts;
 - f. [11-8-4](#): Development Standards for Downtown Residence Districts;
 - g. [11-8-5](#): Development Standards for Downtown Business Districts;
 - h. [11-8-6](#): Development Standards for Downtown Core Districts;
 - i. [11-8-7](#): Supplemental Standards for All Downtown Districts;
 - j. [11-10-3](#): Development Standards for Public and Semi-Public Districts.
- 9. Hear and decide appeals from the [Zoning Administrator](#) regarding Alternative Landscape Plans pursuant to [Section 11-33-7](#).
- 10. Hear and make recommendations on other matters as directed by the [City Council](#).
- 11. The Board may adopt rules for the conduct of its business.

11-66-7: Zoning Administrator

- A. **Establishment of the Office of the Zoning Administrator.** The office of [Zoning Administrator](#) is hereby established in the Mesa [Development and Sustainability](#)

Department. The Zoning Administrator shall be designated by the Development and Sustainability Department Manager and serves under the direction of the Planning Director.

B. **Authority and Duties of the Zoning Administrator.** The Zoning Administrator is the city official established pursuant to ARS § 9-462.05 and charged with responsibility for enforcement of the Zoning Ordinance. In addition, the Zoning Administrator shall:

1. Accomplish all administrative actions required by this Ordinance, including the giving of notice, scheduling of hearings, preparation of reports, and receiving and processing appeals.
2. Interpret the Zoning Ordinance to the public, City Departments and other branches of government, subject to the supervision of the Planning Director and subject to general and specific policies established by the City Council. In consultation with the Planning Director, the Zoning Administrator may determine which requests for interpretations may be decided through an administrative process, or reviewed and decided through a public hearing process as described in Item 6, below.
3. Undertake preliminary discussions with, and provide advice to, applicants requesting assistance.
4. Serve as a Hearing Officer and as a Secretary to the Board of Adjustment, or delegate such duties to qualified parties subject to the concurrence of the Planning Director.
5. Make recommendations to the Planning Director on changes and improvements in Ordinance regulations and procedures.
6. As a Hearing Officer conduct public hearings to:
 - a. Decide appeals that may be taken by any person or any officer, department or board of the City when there is an alleged error in any order, requirements or decision made by an administrative official in the enforcement of the provisions of this Ordinance and other sections of the City Code within the jurisdiction of the Zoning Administrator as authorized by the City Council, and reverse or affirm in whole or in part, or modify the order or decision appealed.
 - b. Interpret any provisions of this Ordinance and other sections of the City Code which may be in doubt, and which are within the jurisdiction of the Zoning Administrator.

- c. Grant [Special Use Permits](#) required by the [City Code](#) upon a finding that the use covered by the permit, the manner of conducting the same, and any use or building which is involved:
 - i. Will be in conformance with the intent of this [Zoning Ordinance](#);
 - ii. Will be consistent with specified plans and policies adopted by the [City Council](#), including the goals and objectives of the [General Plan](#);
 - iii. Will be compatible with and not be detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public welfare in general.
 - d. Grant [Development Incentive Permits](#) and [Substantial Conformance Improvement Permit](#) as authorized by this Ordinance.
 - e. Authorize variances from the terms of this [Zoning Ordinance](#) or other sections of the [City Code](#) within the jurisdiction of the [Zoning Administrator](#) pursuant to the provisions of [ARS § 9-462.06](#).
 - f. Prescribe in connection with any [Special Use Permit](#), [Development Incentive Permit](#), [Substantial Conformance Improvement Permit](#), or any Variance such conditions as deemed necessary in order to fully carry out the provisions and intent of this Ordinance.
- 7. Determine the location of any district boundary shown on the [Zoning Map](#) adopted as part of this Ordinance when such location is in dispute.
 - 8. Decide appeals from [Section 9-1-1](#) of the [City Code](#) pertaining to dedication of rights-of-way, pursuant to [ARS § 9-500.12](#).
 - 9. Review, consider and decide Exceptions and Alternative Plans or Alternative Standards as authorized by this Ordinance, based strictly upon the limitations and criteria specified for that Exception, Alternative Standard or Alternative Plan.
 - 10. Review, consider and decide Zoning Permits, [Administrative Use Permits](#), and Temporary Use Permits as authorized by this Ordinance, based strictly upon the limitations and criteria specified for Zoning Permits, Administrative Use Permits, and [Temporary Use Permit](#).
- C. **Limits to Authority and Duties.** The [Zoning Administrator](#) shall not make any changes in the uses permitted in any zoning classification or zoning district, or make any change in the terms of the [Zoning Ordinance](#); provided that the restriction in this paragraph shall not affect the authority to grant variances.

D. Appeals to the Zoning Administrator.

1. Appeals to the [Zoning Administrator](#) may be taken by any person aggrieved, or by officers, department, or board of the City affected by any decision of any administrative official, by filing with the Zoning Administrator within the time period prescribed by this Ordinance, a notice of appeal on a form provided therefore.
2. The appeal stays all proceedings in the matter appealed unless the officer from whom the appeal is taken certifies to the [Zoning Administrator](#) that a stay would cause imminent peril to life or property.
3. The [Zoning Administrator](#) shall fix a reasonable time for the hearing of the appeal and shall give notice thereof to the parties in interest and the public by publication in a newspaper of general circulation at least 15 days prior to the public hearing and by posting notice of the public hearing on the site that is the subject of the application, in conformance with [ARS § 9-462.04](#), at least 5 days prior to the hearing. It shall not be the responsibility of the Applicant or to maintain the posting once erected until after the hearing.
4. The [Zoning Administrator](#) may refer any matter on which he is authorized to rule directly to the [Board of Adjustment](#).
5. Appeals based on a decision made by the [Zoning Administrator](#), acting in an administrative capacity, such as those involving interpretations of the [Zoning Ordinance](#), shall be referred directly to the [Board of Adjustment](#).

Any person aggrieved by a decision of the [Zoning Administrator](#) may appeal this decision to the [Board of Adjustment](#) within a period of 30 days from the time that the decision is made in the manner specified in [Section 11-67-11](#), and [Chapter 77](#).

11-66-8: Downtown Development Committee

- (A) The [Downtown Development Committee](#). The Downtown Development Committee has been decommissioned by deletion of Section 2-20-1 of the [Mesa City Code](#) pursuant to Ordinance 4960, dated December 7, 2009.
- (B) Modifications: All decided applications for which a condition of approval requires a future revision or modification of that decision to be reviewed by the Downtown Development Committee for either recommendation or decision shall instead be reviewed by the [Planning & Zoning Board](#) or [Design Review Board](#), as determined by the [Planning Director](#). The determination shall be based on the type of modification or revision requested.